

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

SIPA Liquidation

No. 08-01789 (SMB)

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

CITIBANK, N.A., CITIBANK NORTH
AMERICA, INC., AND CITIGROUP
GLOBAL MARKETS LIMITED,

Defendants.

Adv. Pro. No. 10-05345 (SMB)


**DECLARATION OF CARMINE D. BOCCUZZI, JR. IN OPPOSITION TO TRUSTEE'S
MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT**

Pursuant to 28 U.S.C. § 1746, Carmine D. Boccuzzi, Jr. declares as follows:

1. I am an attorney admitted to practice before this Court and a partner with the law firm of Cleary Gottlieb Steen & Hamilton LLP, counsel to defendants Citibank, N.A. and

Citicorp North America, Inc. (collectively, “Citibank”) in the above-captioned action. I respectfully submit this declaration (“Declaration”) as a supplement to Citibank’s Consolidated Memorandum of Law in Opposition to Trustee’s Motion for Leave to File an Amended Complaint.¹

2. Attached to this declaration as Exhibits A-F are true and correct copies of the following documents:

Ex.	Document
A	Revolving Credit and Security Agreement among American Masters Broad Market Prime Fund, L.P. as Borrower, Tremont Partners, Inc. as general Partner, CAFCO, LLC as Conduit Lender, Citibank, N.A. as the Secondary Lender and Citicorp North America, Inc. as Agent, dated as of June 15, 2005;
B	Due Diligence Agenda referenced in the Proposed Amended Complaint, PAC ¶ 245;
C	May 2005 Memo submitted to the CMAC referenced in the Proposed Amended Complaint, PAC ¶¶ 61, 180-83;
D	 ;
E	Transcript excerpts from the November 3, 2010 Rule 2004 Examination of Samir Mathur;
F	Transcript excerpts from the October 22, 2010 Rule 2004 Examination of Leon J. Gross.

I declare under penalties of perjury that the foregoing is true and correct.

Executed on March 12, 2019, at New York, New York.

/s/ Carmine D. Boccuzzi, Jr.
Carmine D. Boccuzzi, Jr.

¹ Capitalized terms not defined here have the meaning ascribed in the Memorandum of Law in Opposition to Trustee’s Motion for Leave to File an Amended Complaint.